

## **REMARKS AND ARGUMENTS**

Claim 1-8 and 13-23 are in the application. Claims 9-12 are cancelled. Claims 16 and 17 have been amended. Claims 19-23 are withdrawn. Support for the amendment of claims 16 and 17 are found in claims 4 and 5, respectively.

### **Restriction of newly added Claim 19-23.**

Applicants have withdrawn claims 19 – 23 by its constructive election.

### **Rejection of Claims 1-8 and 13-18 under 35 USC 103(a) as obvious over Davis (US Patent 3,843,119)**

The Examiner rejects claims 1-8 and 13-18 as obvious over Davis. Applicants traverse.

Davis teaches an exercise apparatus that consists of a base upon which an exercising individual stands, with a pulley attached thereto. A cable or rope passes through the block of the pulley, and has a pair of handled loops on each end of the cable.

The Examiner states that the cable (element 20) is a “strap”. Applicants can not agree. Applicants’ claims 1 and 13 require a device made from an inelastic strap. Merriam-Webster’s Online Dictionary includes the following definition:

“Strap 1 a : a narrow usually flat strip or thong of a flexible material ...”

Davis’s device includes a pulley block through which the cable passes. Davis characterizes this element as a cable “usually being rope/character”, and illustrates the cable as having a circumference.

Further Applicant’s description points out that the strap is used to stretch by placing parts of the body (arms, legs, back, etc.) against the strap. The width of the strap is intended to distribute the strain on the strap across a wider area of the skin. The cable of Davis would not function in this way, to distribute the strain across a wide area of the skin.

Applicant’s Claims 5 and 6, and 16 and 17, specify that the strap has a width between 1.5 and 4 inches, a dimension that the circumferential cable of Davis would not reasonably embody because of the excessive weight.

Further, Davis does not disclose a fixed loop of strap at one end of the cable. First, the loop at each end of Davis can be varied by adjusting the length of the cable through the hollow body 28; it is not fixed. Further, the loops of Davis are not formed by the loop, but by the

resilient sleeves 26 that serve as handles for the loop. Applicant's claim 13 provides that the device "consist essentially of" the elements including the inelastic strap having a fixed loop formed in the flexible strap at the first end.

Further, the Examiner considers the slidable member (presumably the Examiner means the hollow body 28?) to be the functional equivalent of Applicant's connector assembly. Applicant can not agree. Applicant's connector assembly consists of a fixed member and a movable member. The two members are configured to be releasably connected to form a second loop, or to be disconnected (thus, eliminating the loop). The loops of Davis are not formed by a connector that consists of two members, and the David connector 28) is a single piece that can not be disconnected. Rather, the cable has to be untied and removed from the Davis connector 28, such that the Davis connector is also not fixed to the cable, at an end or otherwise. The Examiner goes no to say that "it would be obvious to substitute the applicant's snap buckle with Davis' connector, with no unexpected results". Applicant can not agree. Applicant understands the Examiner's point to be that the unitary connect of Davis could be replaced with a snap, two-piece buckle as disclosed and claimed by applicant. Applicant can not agree. Davis provides for a resilient tubular handle, through which the cable or rope of must be threaded, before forming the loop with the connector 28. It is apparent from the disclosure of Davis that the cable or rope be also threaded through the pulley block before assembling the loop handles. Applicant contends that, if one were to substitute a fixed connector, as described and claimed by Applicant, onto the end of Davis' cable, that Davis then could not thread the cable through either the pulley or through the tubular handle/sleeve 26. Therefore, the two-member connector assembly claimed by Applicant is not an obvious substitute for the connector 28 of Davis.

With respect to Claim 13, Applicant's device "consists essentially of" the flexible strap and the connector assembly. Davis' apparatus also requires the base and the pulley, which when used are integrally part of the assembly along with the cable. As such, the device of Davis provides additional elements (the base and pulley) which would interfere with the use and effectiveness of Applicant's exercise device.

Applicant presumes, though the present office action did not state as such, that all prior rejections in the Office Action dated September 20, 2005, have been withdrawn by the Examiner.

The additional prior art made of record and not relied upon do not disclose or make obvious Applicant's claimed invention.

Shifferaw does not disclose or suggest, *inter alia*, a fixed loop formed at one end of the strap, and does not disclose a connector assembly comprising a movable element that can be positioned along the strap, and a fixed member that is attached to the second end of the strap, and which connects with the movable element for form a second loop.

Kim does not disclose or suggest, *inter alia*, a fixed loop formed at one end of the strap, and does not disclose a connector assembly comprising a movable member that can be positioned along the strap, and a fixed member that is attached to the second end of the strap, and which connects with the movable element for form a second loop. The second end of Kim's belt is not attached to an element of the connector that, when connected, forms the second loop.

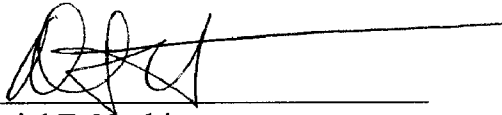
Wilkinson does not disclose a strap, but rather a rope or cable, and does not disclose or suggest, *inter alia*, a fixed loop formed at one end of a strap, and does not disclose a connector assembly comprising a movable member that can be positioned along the strap, and a fixed member that is attached to the second end of the strap, and which connects with the movable element for form a second loop

The Examiner lastly mentions prior art of record including Beauchamp, Dixon, and Albanese. Applicant has distinguished patentably the invention from these references, in view of the Examiner having withdrawn the prior rejections based upon these art.

Applicants believe that a full and complete response to the Action has been submitted, and request reconsideration and withdrawal of all rejections. Applicants also request an opportunity to rejoin any withdrawn claims if the Examiner finds allowable claims.

Respectfully submitted,

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